

# In The Senate of the United States

Sitting as a Court of Impeachment

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In re: )  
Impeachment of G. Thomas Porteous, Jr., )  
United States District Judge for the )  
Eastern District of Louisiana )

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## RESPONSE BY THE HOUSE OF REPRESENTATIVES TO NOTICE OF JUDGE G. THOMAS PORTEOUS, JR. REGARDING POSSIBLE FUTURE DEPOSITION REQUESTS

The House of Representatives (“House”), through its Managers and counsel, respectfully responds to the Notice of Judge G. Thomas Porteous, Jr. Regarding Possible Future Deposition Requests. In support of this response, the House respectfully submits:

Judge Porteous has had both ample time and information to identify witnesses he might want to depose. If he seeks to depose a witness who, for example, he believes would have exculpatory testimony but would otherwise be unavailable, it is hardly conceivable that such a witness would be unknown to him at the present time.<sup>1</sup> As noted, Judge Porteous has been provided in depth knowledge of the House’s case.<sup>2</sup> In light of the procedural posture of the case, Judge Porteous’s contention – that he needs additional

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<sup>1</sup>Of course, Judge Porteous has no right to depose any witnesses. See Disposition of Pretrial Issues, Senate Impeachment Trial Committee (Judge Hastings), Apr. 14, 1989 at 10, reprinted in Report of the Senate Impeachment Trial Committee on the Articles against Judge Alcee Hastings, S. Hrg. 101 194, Pt. 1, 101st Cong., 1st Sess. at 290 (1989) (“The committee knows of no precedent for the pretrial examination of witnesses in connection with a Senate impeachment trial.”).

<sup>2</sup>See Response by the House of Representatives to Motion of Judge G. Thomas Porteous, Jr. For Discovery from the House Managers. Additionally, the House Managers in an April 13, 2010 letter to Senators McCaskill and Hatch responding to a series of questions from Senate Legal Counsel have previously provided a preliminary trial witness list.

time to identify witnesses to be deposed because “substantial discovery” remains – does not provide a reasonable basis for any failure to identify witnesses to be deposed at this time.

In order to avoid any unnecessary delay, the House requests that Judge Porteous be directed to identify any witnesses he might want to depose and to submit a factual justification for the requested deposition.

The House does not foresee taking additional depositions absent compelling circumstances, such as an essential witness who might be unavailable at trial.


Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By



Adam Schiff, Manager



Bob Goodlatte, Manager



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Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. “Hank” Johnson, F. James Sensenbrenner, Jr.

June 4, 2010